

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-8 are pending and remain unchanged.

Applicant's remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the remarks should be entered to place the case in better form for appeal.

### **Allowable Subject Matter**

Claims 2 and 4 are allowed and remain unchanged.

**35 U.S.C. §103**

Claims 1, 3, and 5-8 are rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 5,570,108 to McLaughlin et al. (hereinafter, “McLaughlin”). Applicant respectfully traverses the rejection.

The Office continues to maintain that McLaughlin suggests features recited in the claims at issue. Applicant respectfully disagrees with the broad interpretations of McLaughlin. Further, in rejecting claims 1, 3, and 5-8, the Office improperly relies on Applicant's disclosure to overcome the deficiencies of McLaughlin and/or to presume enablement of McLaughlin.

Specifically, the Office states that McLaughlin discloses “a single control that once activated, activates a group of controls that allows user selection and manipulation of display parameters; and periodic polling of the display status and specific input relative to the individually activated controls within the group (column 8, ll. 10-15), identify a control group associated in a data structure having

1 a single status indicator" (*Office Action* p.6). McLaughlin makes no reference  
2 whatsoever to identifying a control group with a single status indicator in a data  
3 structure.

4 Further, the Office states that McLaughlin discloses "a control group  
5 identifier contained in memory because he discloses a software feature that  
6 initiates the polling of grouped control status, which indicates that the status of the  
7 group controls is maintained in memory" (*Office Action* p.6). McLaughlin  
8 describes that polling the display status is for the purpose of correcting any display  
9 parameter or setting having a value that differs from a desired value (col. 8, lines  
10 10-21). Any activation or deactivation of the controls is not described as being  
11 related to polling the display status, as the Office suggests, and there is no  
12 indication in McLaughlin, implied or otherwise, supporting a conclusion that it is  
13 obvious how the controls might be stored or activated.

14 Applicant respectfully requests that the §103 rejection be withdrawn and  
15 that claims 1, 3, and 5-8 be allowed because the teaching or suggestion to  
16 formulate a basis for rejection must be found in the prior art, and not based on  
17 applicant's disclosure.

18  
19 In addition to relying on Applicant's disclosure to presume enablement of  
20 McLaughlin, the Office has recognized that McLaughlin does not disclose:

21 • directing the activation of controls of a control group by storing an  
22 active value in a single status indicator (*Office Action* dated June 20,  
23 2001 p.3);  
24 • a control grouping identifier contained within memory (*Office Action*  
25 dated December 4, 2001 p.4 and present *Office Action* p.4);

- a control grouping identifier having an active state and an inactive state (*Office Action* dated December 4, 2001 p.4 and present *Office Action* p.4); or
- the control grouping identifier representing controls of a control grouping (*Office Action* dated December 4, 2001 p.4 and present *Office Action* p.4).

Even though the Office has and continues to recognize that McLaughlin does not disclose elements positively recited in claims 1, 3, and/or 8, the Office continues to reject these claims without citing any other references to overcome the deficiencies of McLaughlin. Claims 1, 3, and 5-8 are allowable over McLaughlin and Applicant respectfully requests that the §103 rejection be withdrawn.

Claim 1 recites a method of “identifying a control group, the control group being comprised of at least two controls associated in a data structure” and “representing the control group with a single status indicator in the data structure”.

McLaughlin makes no reference to representing a control group with a single status indicator in a data structure. McLaughlin does not teach or suggest any correlation between the configuration controls, or icons, and a memory or storage device, other than to indicate that parameter and calibration data is stored as separately accessible files (col. 14).

The Office states that McLaughlin teaches associating a group of controls and polling the display status to identify user commands. Based on this, the Office suggests that to poll the display status implies the activation/deactivation of

1 controls, as a group or individually (*Office Action* p.3). Applicant respectfully  
2 disagrees with this suggestion of obviousness.

3 McLaughlin describes selecting a configuration control (48) to activate  
4 controls (49) and (50) (Fig. 4; col. 7, lines 39-42). The Office suggests that these  
5 controls are associated in a data structure, represented with a single status  
6 indicator, and activated as a control group (*Office Action* p.3). Applicant disagrees  
7 with this inference of McLaughlin. It is possible that software periodically polls to  
8 determine the activation status of configuration control (48), and upon determining  
9 that configuration control (48) has been selected, sequentially activates controls  
10 (49) and (50). Absent any such explanation, however, it should not be inferred by  
11 the Office as to how controls (49) and (50) might be activated in response to  
12 configuration control (48) being selected.

13 McLaughlin says nothing about how the configuration controls might be  
14 associated in a data structure. Furthermore, McLaughlin describes that polling the  
15 display status is for the purpose of correcting any display parameter or setting  
16 having a value that differs from a desired value (col. 8, lines 10-21). Any  
17 activation or deactivation of the controls is not described as being related to  
18 polling the display status, as the Office suggests, and there is no indication in  
19 McLaughlin, implied or otherwise, supporting a conclusion that it is obvious how  
20 the controls might be stored or activated.

21 Claim 1 also recites “directing the activation of the controls of the control  
22 group by storing an active value in the single status indicator.” The Office  
23 recognizes that McLaughlin does not disclose group activation of controls of a  
24 control group by storing an active value in a single status indicator (*Office Action*  
25

1 dated June 20, 2001 p.3). Furthermore, the Office has not cited any other  
2 references to overcome this deficiency of McLaughlin.

3 Accordingly, claim 1 is allowable over McLaughlin and Applicant  
4 respectfully requests that the §103 rejection of claim 1 be withdrawn.

5

6 Claim 3 recites an apparatus for activating and deactivating a control  
7 grouping comprising “a control grouping identifier contained within the memory,  
8 wherein the control grouping identifier has an active state and an inactive state and  
9 wherein the control grouping identifier represents the controls of the control  
10 grouping.”

11 The Office recognizes that McLaughlin does not disclose either a control  
12 grouping identifier contained within the memory, the identifier having an active  
13 state and an inactive state, or that the control grouping identifier represents the  
14 controls of the control grouping (*Office Action* p.4). Furthermore, the Office has  
15 not cited any other references to overcome these deficiencies of McLaughlin.

16 The Office suggests, however, that it would have been obvious to use  
17 McLaughlin because he discloses polling the display status to effect user  
18 commands to activate a group of controls (*Office Action* p.4). Applicant  
19 respectfully disagrees with this suggestion of obviousness, and that McLaughlin  
20 discloses activating a group of controls together.

21 As described above in the response to the rejection of claim 1, polling the  
22 display status is for the purpose of correcting any display parameter having a value  
23 that differs from a desired value (col. 8, lines 10-21). McLaughlin further  
24 describes that control activation can be accomplished by activating / deactivating

25

1 the locking software (col. 7, lines 49-60). Any activation or deactivation of a  
2 control is not related to polling the display status.

3 McLaughlin does not teach “a control grouping identifier contained within  
4 memory” that “represents the controls of the control grouping”, as recited in  
5 claim 3. Accordingly, claim 3 is allowable over McLaughlin, and the §103  
6 rejection should be withdrawn.

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8 **Claims 5-7** are allowable by virtue of their dependency upon claim 1.

9

10 **Claim 8** is allowable by virtue of its dependency upon claim 3.

11

12 **Conclusion**

13 Pending claims 1-8 are in condition for allowance. Applicant respectfully  
14 requests reconsideration and issuance of the subject application. If any issues  
15 remain that prevent issuance of this application, the Examiner is urged to contact  
16 the undersigned attorney before issuing a subsequent Action.

17

18 Respectfully Submitted,

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20 Dated: May 10, 2002

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